

Application Number: 18/11556 Full Planning Permission

Site: Land of 28 ST GEORGES ROAD, FORDINGBRIDGE SP6 1ES

Development: Bungalow; access on St Georges Crescent

Applicant: Paris Smith LLP

Target Date: 15/01/2019

Extension Date: 15/03/2019

RECOMMENDATION: Refuse

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Fordingbridge Town Design Statement
Parking Standards SPD (Oct 2012)
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

6.1 There is no planning history for the site itself, although the neighbouring site (no. 26 St Georges Road) has quite an extensive history where residential development has been resisted. In November 2004 the Council refused planning permission for a bungalow in the rear garden of

no. 26 St Georges Road, as it was considered that the site would not be of a size sufficient to accommodate the proposed dwelling without the development appearing unacceptably cramped and contrived, and detrimentally impacting the character of the surrounding area. In determining the appeal, while the Inspector acknowledged that there was a requirement to find additional land for housing, they agreed with the Council's reasoning for refusal and the appeal was dismissed.

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend that permission is granted as it clarifies and improves the application

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Southern Gas Networks - give informatives on proximity of site to apparatus

10 REPRESENTATIONS RECEIVED

No objections were received following submission of the amended plans although five representations were received objecting to the original proposal on the following grounds:

- There needs to be an access and parking plan to ensure the bungalow has sufficient parking so as not impede the adjoining highway
- Inadequate access and parking arrangements
- The overall footprint of the property leaves little recreational area.
- Enhanced boundary arrangements should be considered.
- Proximity of dwelling to adjoining boundary
- Loss of privacy
- A similar proposal on an adjoining site has previously been refused

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus of £1,224 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £7,512.00.

Tables setting out all contributions are at the end of this report.

13 WORKING WITH THE APPLICANT/AGENT

The applicant did not seek the pre-application advice of the Planning Authority in respect of the form of development proposed here. While amended plans were received seeking to address the concerns of officers and notified parties in respect of parking and access provision, character impacts, orientation, boundary treatments and neighbouring amenity, those concerns were not entirely addressed. In this instance, due to the absence of acceptable plans and the level of harm the scheme would cause, it is reasonable to refuse the application.

14 ASSESSMENT

- 14.1 The area is characterised by detached bungalows fronting surrounding roads. To the north of St Georges Crescent boundaries are defined by low walls and hedges. To the south boundaries are defined by a mixture of hedges and low picket fencing, but predominantly high timber fencing, which adds little to the street scene. The proposal relates to the rear curtilage of no. 28 St Georges Road, which has been subdivided relatively recently through the introduction of close boarded timber fencing. Until subdivision took place the site had a more verdant character with an evergreen hedge and fruit trees along the line of St Georges Crescent, albeit with a collection of outbuildings and vehicles within the curtilage. Close boarded timber fencing is now a prevalent feature of the site and its boundary with St Georges Crescent is now formed almost entirely by a 1.8m close boarded fence.
- 14.2 It is proposed to retain the existing bungalow at no. 28 St Georges Road and to erect a hipped roof, two bedroom bungalow in its rear garden, accessed from St Georges Crescent. The proposal site would then be permanently subdivided to form separate accesses and at least one off-street parking space, which is outlined on the amended plan.
- 14.3 While the principle of new residential development within the built up area is acceptable, this is subject to other material considerations which, in this case are impacts upon the character of the area and residential amenity. Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to adjoining land uses in terms of visual amenity and adverse impacts upon residential amenity. Paragraph 130 of the 'The National Planning Policy Framework' states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 14.4 In assessing the effect on the character and appearance of the area, the immediate context of the area is characterised by detached bungalows fronting surrounding roads, within quite tight plots. It needs to be considered whether the footprint, orientation and massing of the development together with the space retained about the proposed dwelling is appropriate in terms of its impact upon the character of the area. The original submission showed a larger dwelling with a garden curtilage arrangement that was quite tight due to the large footprint of the proposal, which also had a very close relationship to the existing dwelling and to the rear curtilage of no. 26. It was not clear from the original submission how off-street parking would be accommodated or what boundary treatment and landscaping was proposed. During

discussions between the case officer and agent, concerns over the relationship/orientation of the proposed dwelling to the existing dwelling, curtilage arrangements for future occupiers, the limited space about both the existing and proposed units, boundary treatment on St Georges Crescent, parking, access and landscaping arrangements were raised. Officers considered an alternative layout could be achieved which mitigated the concerns highlighted above, still providing two dwellings on the site, but enhancing the development's appearance and character of the area. The agent considered an alternative plan prepared by the case officer showing two semi-detached bungalows in a staggered arrangement, one fronting St Georges Road, the other accessed via St Georges Crescent, but concluded that it was not cost effective to demolish a bungalow and replace with two smaller dwellings. The agent considered that the amended plans had responded to both the department's concerns and those of local residents and requested they be re-advertised. The amended plans are before Members today for consideration.

- 14.5 Officers consider the amended plans to be preferable to the initial submission in relation to addressing some of the concerns raised, but those concerns were not entirely alleviated. In support of the amended scheme, the proposed dwelling was reduced in size, with a little more space about it and with access and parking for one vehicle indicated. However, the relationship and orientation of the proposed dwelling to the existing dwelling is still poor, being separated by just 7.5m, with a 1.8m close boarded fence separating the two. While there would be limited space about both the existing and proposed units, the area is typified by tight curtilage arrangements and it is not considered that a reason for refusal could be substantiated on this basis alone. Nevertheless, the manner in which the curtilage would be subdivided is not typical of the locality, with so little separation between existing and proposed dwellings and this is considered to be harmful to the character of the area. It is acknowledged that the curtilage of no. 22 St Georges Road has been subdivided sometime ago to create no. 1 St Georges Crescent, but there is a good level of separation between the two properties and the relationship and orientation of the two is much better than proposed by the current submission. It is unfortunate that the amended plan did not show enhancements to the boundary treatment on St Georges Crescent (substitution of brick walling with timber panel inserts for timber fencing) which could have enhanced the street scene. The parking, access and turning arrangements are shown on the amended plan, although provision for just one car is shown. However, it is considered that two off-street spaces could be provided if necessary and underprovision could not substantiate a reason for refusal in this instance. On balance, while it is agreed that there is space for an additional dwelling on this site, the existing dwelling having one of the larger curtilages in the locality, officers feel the layout is poor and the relationship of the proposed dwelling to the existing dwelling is unacceptable. It was hoped that the street scene could have been enhanced through introduction of enhanced boundary treatment and landscaping, although the submitted plan has limited detail in respect of these matters. The relationship, degree of separation and orientation of the proposed dwelling to the existing dwelling is poor and the manner in which the curtilage would be subdivided would be harmful to the character of the area. Furthermore opportunities have not been taken to introduce enhancements to the boundary treatments and landscaping, which could have enhanced the street scene. Consequently the

proposal would be contrary to Policy CS2 of the Core Strategy and paragraph 130 of the National Planning Policy Framework.

- 14.6 Policy CS2 also requires the impacts of development proposals to be considered in terms of residential amenity. The scale of the dwelling is such that it would have no direct overbearing or oppressive impact on neighbouring properties. Similarly the fenestration arrangements at ground floor level would ensure that no direct overlooking results to adjoining houses, although this is reliant upon 1.8m high close boarded timber fencing being provided on the south and east boundaries of the site. The amenity arrangements for the proposed development are just about acceptable, considering the space about the building and the proposal would not have any significant adverse impacts upon properties beyond the site. However, the amenity impacts upon future occupiers of the existing dwelling (no. 28 St Georges Road) need to be considered. The relationship of the proposed dwelling to the existing would be unacceptable in privacy terms due to the poor orientation and separation, were it not for the 1.8m fence erected between the two. The close boarded fencing has been erected within 2m of the back windows of no. 28 St Georges Road, which presents a very poor and oppressive outlook. Furthermore, the level of private amenity space available to no. 28 to the rear would almost be completely eroded by the proposal. Future occupants of no. 28 would be reliant upon open space to the front of the site (St Georges Road), where they would be afforded no privacy without erection of more high timber fencing, which would be unacceptable in visual/street scene terms. It is concluded that the layout and form of development proposed would lead to a poor standard of residential amenity for future occupiers of no. 28 St Georges Road by virtue of the oppressive impact of close boarded fencing on the rear outlook of that property and the poor level of private open space afforded to future occupiers, contrary to the amenity related provisions of Policy CS2.
- 14.7 The Local Planning Authority is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, it is considered that the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits of the development.
- 14.8 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

- 14.9 The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.
- 14.10 While it is recognised that the proposal would be beneficial in providing new housing, these benefits do not override the harm which has been identified in terms of the impact on the character of the area and residential amenity.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£550 if CIL paid in full	£550 if CIL paid in full	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	78	0	78	78	£80/sqm	£7,512.00 *
Subtotal:	£7,512.00					
Relief:	£0.00					
Total Payable:	£7,512.00					

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2018 this value is 1.2

15. RECOMMENDATION

Refuse

Proposed Conditions:

1. The relationship, degree of separation and orientation of the proposed dwelling to the existing dwelling is poor and the manner in which the curtilage would be subdivided would be harmful to the character of the area. Furthermore opportunities have not been taken to introduce boundary treatments and landscaping, which could have enhanced the street scene. Consequently the proposed development would be harmful to the character and appearance of the area, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and paragraph 130 of the National Planning Policy Framework.
2. The layout and form of development proposed would lead to a poor standard of residential amenity for future occupiers of no. 28 St Georges Road by virtue of the oppressive impact of close boarded fencing on the rear outlook of that property and the poor level of private open space afforded to future occupiers, contrary to the amenity related provision of Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

The applicant did not seek the pre-application advice of the Planning Authority in respect of the form of development proposed here. While amended plans were received seeking to address the concerns of officers and notified parties in respect of parking and access provision, character impacts, orientation, boundary treatments and neighbouring amenity, those concerns were not entirely addressed. In this instance, due to the absence of acceptable plans and the level of harm the scheme would cause, it is reasonable to refuse the application.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**

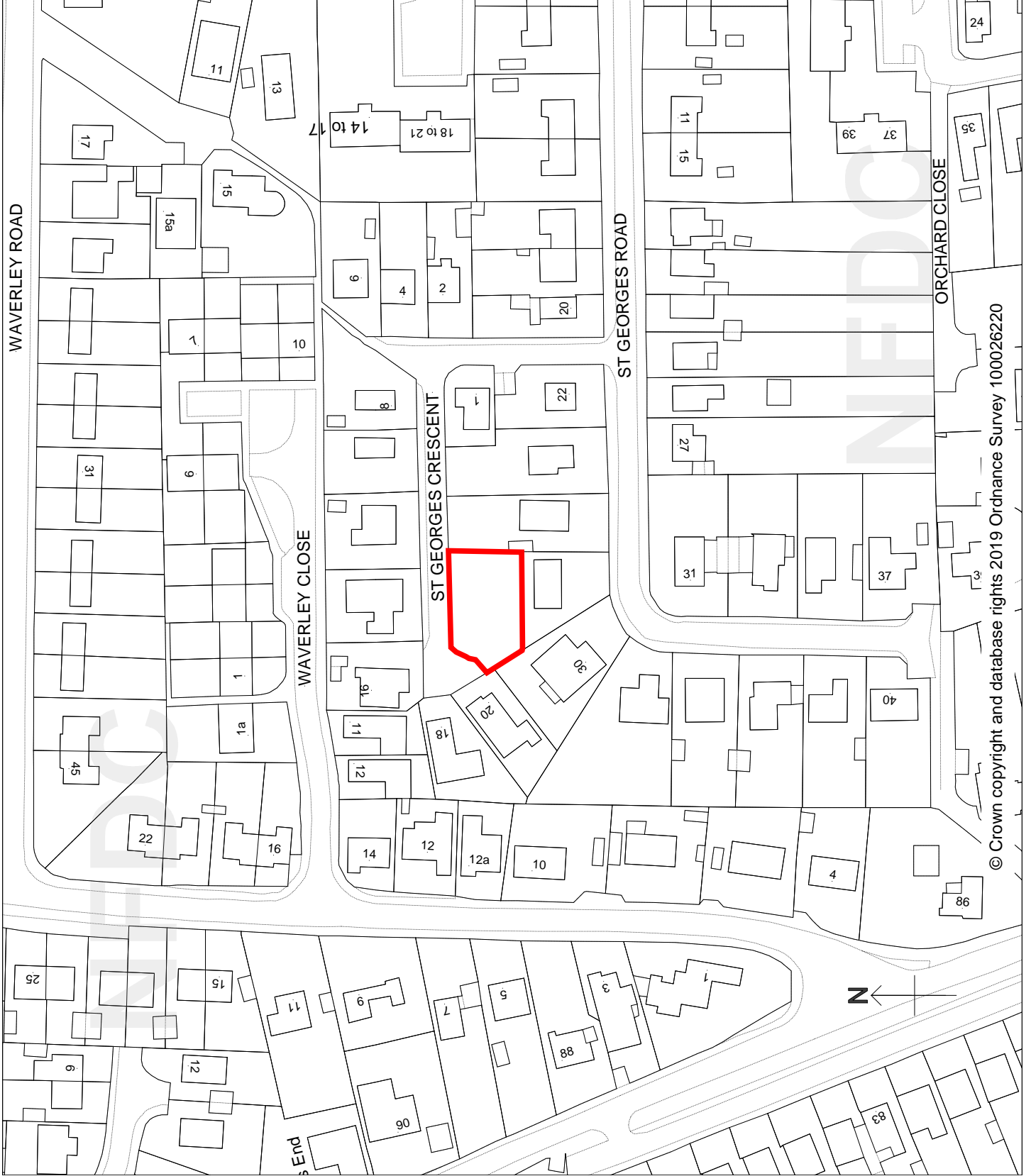
March 2019

Item No: 3e

Land of
28 St Georges Road
Fordingbridge
18/11556

Scale 1:1250

N.B. If printing this plan from
the internet, it will not be to
scale.



© Crown copyright and database rights 2019 Ordnance Survey 100026220